

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

IN RE:

ESTATE OF FERDINAND E. MARCOS
HUMAN RIGHTS LITIGATION

MDL NO. 840
No. 86-390
No. 86-330

THIS DOCUMENT RELATES TO:

Hilao et al v. Estate of Ferdinand
E. Marcos,
and
DeVera et al v. Estate of Ferdinand
E. Marcos.

DECLARATION OF
JON M. VAN DYKE

Jon M. Van Dyke declares under penalty of perjury as follows:

1. I am an attorney practicing law in Honolulu, Hawaii and admitted to the Hawaiian state and federal courts. I was appointed co-counsel for the Plaintiff Class in the above-captioned action.

2. I make this Declaration in support of my application for an award of attorneys' fees for services rendered to the Class certified in the above-captioned litigation, and for reimbursement of expenses reasonably incurred in the course of such representation. The time expended in preparing this Declaration is not included.

3. My compensation for the services rendered is wholly contingent. Any fees and reimbursement of expenses will be limited to such amounts as may be awarded by this Court for work specifically related to sums collected on the Class' Judgment of February 3, 1995 in connection with the Marcos' house, car and Arelma account. The time for which I seek compensation does not include time spent on other matters related to the litigation which began in 1986.

4. During the period from the inception of the case in March 1986 through November 2004, I have devoted 211.6 hours of work in connection with the collection activities described above in paragraph 3. Based upon my hourly rate ordinarily charged to other clients, the lodestar value of my time is \$375/hour. Attached hereto is a detailed presentation of the time expended and the services performed.

5. All of the services performed by me in connection with this litigation were reasonably necessary in the prosecution of this case and of the type which would be charged to an hourly fee paying client.

6. There has been no unnecessary duplication of services for which I now seek compensation.

7. Attached hereto is a short biography which highlights my experience.

I declare under penalty of perjury that the foregoing is true and correct.


JON M. VAN DYKE

Dated: May 12, 2005

JON M. VAN DYKE

Professor of Law

William S. Richardson School of Law

University of Hawai'i at Manoa

2515 Dole Street

Honolulu, Hawai'i 96822

Tel: 1-808-956-8509

Fax: 1-808-956-5569

Email: jvandyke@hawaii.edu

Jon M. Van Dyke has been Professor of Law at the William S. Richardson School of Law, University of Hawai'i, since 1976, where he teaches Constitutional Law, International Law, International Ocean Law, and International Human Rights. Previously he taught at the Hastings College of the Law (University of California) in San Francisco (1971-76) and Catholic University Law School (1967-69) in Washington, D.C. He has served as a Associate Dean at the University of Hawai'i's Law School (1980-82) and as Director of the University's Spark M. Matsunaga Institute of Peace (1988-90). He earned his J.D. degree at Harvard (1967) and his B.A. degree at Yale (1964), both cum laude. He was a law clerk for Roger L. Traynor, Chief Justice of the California Supreme Court, in 1969-70.

Professor Van Dyke has written or edited eight books and has authored many articles on constitutional law and international law topics. His most recent co-authored book is a casebook entitled *International Law and Litigation in the U.S.* (West 2000). His previous co-authored book was *Sharing the Resources of the South China Sea* (Martinus Nijhoff/Kluwer International 1997; paperback edition, University of Hawai'i 1999). The one before that, *Freedom for the Seas in the 21st Century: Ocean Governance and Environmental Harmony* (co-edited, Island Press 1993), received the Harold and Margaret Sprout Award from the International Studies Association for excellence in the field of international environmental policy. He has written other books and articles about searches and seizures, the jury system, international human rights, native rights, fisheries issues, ocean boundaries, and protection of the marine environment.

He has engaged in important litigation on constitutional rights in the state and federal courts of Hawai'i as well as the U.S. Court of Appeals for the Ninth Circuit, the Supreme Courts of the Federated States of Micronesia, the Marshall Islands, and Palau, and the Administrative Tribunal of the Asian Development Bank. He has served as a consultant for the South Pacific Regional Environmental Programme, the Permanent South Pacific Commission, the Association of Pacific Island Legislatures, the governments of Turkey and Nauru, the Office of Hawaiian Affairs, the State Council of Hawaiian Homestead Associations, the City and County of Honolulu, the County Council and Charter Commission of Maui, and the Planning Departments of the Counties of Kaua'i and Hawai'i. He is a member of the editorial boards of *Marine Policy* and *The International Journal of Marine and Coastal Law*, and is on the advisory board of the Center for International Environmental Law and the Law of the Sea Institute. In 1987, he received the University of Hawai'i Presidential Citation for Excellence in Teaching; and in 1984, 1993, 1996, and 2002 he was selected as the "Outstanding Professor" at the Law School.

IRESUME1

JON M. VAN DYKE
 Attorney-at-Law
 2515 Dole Street
 Honolulu, Hawai'i 968222
 Tel: 808-956-8509
 Fax: 808-956-5569
 Email: jvandyke@hawaii.edu

For Legal Services Rendered to the Victims of Human Rights Abuses Against Ferdinand Marcos and His Estate (limited to matters involving execution on Marcos house, car and Arelma account)

		<u>Hours</u>
<u>1995</u>		
March 6	Telephone conference with Bob Swift and Sherry Broder re recent developments	0.75
March 12	Discussions with Bob Swift and Sherry Broder re Collection and settlement possibilities	2.00
March 14	Post-hearing discussions with Bob Swift and Sherry Broder	1.00
April 24	Post-hearing discussions with Bob Swift and Sherry Broder	0.50
June 29	Discussion with co-counsel	0.50
November 3	Review of recently filed materials	1.00
<u>1996</u>		
January 17	Discussions with Sherry Broder and Bob Taga re Marcos Mercedes	0.50
January 18	Phone calls with Denise Ritchey and Bob Taga re arrangements to transfer the Mercedes	0.25
April 21	Discussion with Bob Swift and Sherry Broder re status of case and forthcoming developments	2.00
April 23	Participation in hearing before Judge Manual Real, U.S. District Court, Hawaii, discussions with Bob Swift and Sherry Broder	2.00
Dec. 15	Revisions to memorandum re special administrator, probate	1.00

Dec. 16	Telephone conference with Bib Swift; revisions to, probate court	1.50
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1997

Sept. 2	Research collection of Judgment; many telephone conferences with Bob swift	3.50
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2000

9/10	Telephone conference with Bob Swift re 9/11 hearing	0.35
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11/12	Telephone conference with Bob Swift	0.35
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11/27	Meeting with Bob Swift	1.00
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11/28	Preparation for and participation in hearing on Merrill Lynch/contempt/termination of settlement	2.00
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2001

3/9	Emails to Bob Swift & Sherry Broder; review of PCGG memo	0.75
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3/10	Drafting of response to PCGG motion to dismiss re Arelma	5.75
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3/25	Preparation for 3/27 hearing; telephone conference with Bob Swift	1.00
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3/26	Research; preparation for hearing; call to Matt Viola's office for documents; discussions with Bob Swift	4.50
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3/27	Participation in hearing before Judge Real on Merrill Lynch account plus strategy discussions with Bob Swift	6.00
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4/5	Telephone conference with Bob Swift re motions filed by Philippine National Bank and PCGG	0.50
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5/1	Review of PCGG documents	0.50
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5/17	Telephone conference with Bob Swift re 5/21 motions & hearing	0.35
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5/20	Telephone conference with Bob Swift re 5/21 hearing & motions	0.50
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5/21	Participation in hearing & discussions with Bob Swift	2.00
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6/12	Research & drafting response to motion by PCGG in 9 th Circuit for stay	2.50
7/18	Email to Ana Luisa in Panama re Arelma; exchange of emails with Bob Swift	0.75
7/20	Research re interpleader & personal jurisdiction re Arelma case	0.50
7/24	Review of Arelma/PNB filings	0.50
8/17	Research re real party in interest	0.75
8/21	Email letter to Bob Swift re interpleader memorandum	0.75
8/29	Meeting with law student Cameron Nekota re discovery & sovereign immunity research	0.25
8/30	Telephone conference with Bob Swift; meeting with Cameron re discovery	0.35
8/31	Research & preparation of memorandum re discovery rights in sovereign immunity contest	2.75
11/28	Review of proposed answers to Golden Budha's request for admissions	0.30
12/19	Meeting with Bob Swift re 12/20 hearing	1.50
12/20	Participation in hearing re discovery & Arelma account; meeting with Bob Swift & other attorneys	3.00

2002

1/24	Critique of response to Arelma's motion for summary judgment	0.75
1/25	Email to Bob Swift re response to Arelma's mot. for summary judgment	0.75
2/6	Drafting memo in response to purported 9 th Circuit appeal	3.50
2/7	Further research and drafting re 9 th Circuit response	2.50
2/17	Preparation for hearing on 2/19; discussions with Bob Swift & Sherry Broder	2.00
2/18	Stipulation of facts; preparation for 2/19 hearing	1.50

2/19	Participation in hearing & discussions with counsel	1.50
2/25	Review of opposition to Suntrust mandamus	0.35
4/6	Review & critique of 9 th Circuit briefs in Arelma case	2.00
4/8	Review of 9 th Circuit briefs; email to Bob Swift	1.00
4/10	Review of 9 th Circuit brief; email to Bob Swift	0.75
5/21	Review of Suntrust motion to dismiss & exchange of emails with Bob Swift	0.35
5/29	Review of Bob Swift's memo re Suntrust; exchange of emails with him	0.50
6/3	Drafting response re Suntrust	1.00
6/11	Preparation for 9 th Circuit oral argument	0.75
6/12	Preparation for 9 th Circuit oral argument in Arelma case; telephone conference with Bob Swift	2.00
6/17	Participation in Marcos hearing re Arelma; meeting with Gov. Pimentel; discussions with counsel	4.50
6/20	Review of materials re Sunier deposition	0.35
6/28	Exchange of emails with Bob Swift	0.25
7/10	Research on conflicts of law; email to Bob Swift	0.75
7/11	Exchange of emails re Panamanian law relevant to Arlema	0.25
8/11	Review of Ziegler discover memorandum	0.60
9/20	Email to Bob Swift; review of memoranda re Arelma	0.50
9/30	Exchange of emails & research re act of state	0.50
10/16	Review and analysis of Arelma filings	0.50
10/17	Exchange of emails with Bob Swift re Suntrust & Arelma	0.25
10/29	Prehearing discussions with Bob Swift & Sherry Broder	3.00

10/30	Participation in final pretrial hearing in Arelma	1.00
10/31	Review and discussion re 9 th Circuit opinion	1.00
11/1	Email to Bob Swift re motion for rehearing	0.75

2003

4/15	Review of appellate brief, Suntrust, 9 th Circuit	0.75
4/16	Critique of memorandum to support motion to lift stay	0.50
4/17	Review of draft 19(b) motion; email comments to Bob Swift	0.75
6/19	Meeting with Bob Swift & Sherry Broder re strategy	2.00
6/20	Participation in hearing in Arelma case & Pimentel's motion to vacate; subsequent discussions with counsel	4.00
7/21	Review of proposed legislation in Philippines; several emails to Bob Swift	0.75
7/30	Review of memo to 9 th circuit; email to Bob Swift	0.50
8/1	Research re appeals; telephone conference with Bob Swift	0.75
8/2	Research re standing of Republic of Philippines	2.25
8/3	Email to Bob Swift	0.25
8/4	Further research re ROP standing; email to Bob Swift	0.50
8/6	Review of proposed Thursday filings	0.50
8/7	Preparation for & participation in hearing, followed by discussion with counsel	4.00
9/28	Research & preparation for hearing	2.00
9/29	Participation in pretrial hearing, Arelma	1.75
10/9	Review of our 9 th Circuit brief; email to Bob Swift	0.75
12/13	Research & drafting of 9 th Circuit Arelma brief	5.00

12/14	Research & drafting of 9 th Circuit Arelma brief	11.00
12/15	Research & drafting of 9 th Circuit Arelma brief	3.50
12/17	Research; exchange of emails with Bob Swift	0.75
12/18	Research; exchange of emails with Bob Swift	0.50
12/19	Review of Bob Swift's proposed changes to brief	1.50
12/23	Final review of brief & several calls with Bob Swift	3.00

2004

1/12	Review of Arelma reply brief; email to Bob Swift re statute of limitations	1.00
2/4	Emails re Republic of the Philippines' 9 th Circuit appeal	1.00
2/17	Review and critique of appeal filed by Republic of the Philippines	1.50
2/18	Review of excerpts of record; email to Bob Swift	1.50
2/20	Research re ROP 9 th Circuit appeal & preparation for Arelma trial	3.50
2/21	Telephone conferences with Bob Swift	1.00
2/22	Planning meeting with Bob Swift & Sherry Broder	3.00
2/23	Preparation for Arelma trial; participation in hearing; research re judicial notice; analysis of exhibits of opposing parties	12.00
2/24	Participation in Arelma trial; discussions with co-counsel	5.00
3/9	Email to Bob Swift re 3/22 hearing	0.50
3/31	Review of Arelma Findings of Fact & Conclusions of Law; revisions to Singapore letter	1.25
7/10	Discussions with Bob Swift re activities in case	1.25
7/11	Discussions with Bob Swift & Sherry Broder re case	1.50
7/12	Participation in hearing on Arelma account & discussions with co-counsel	2.00

11/5	Research related to Ninth Circuit appeal in <i>Arelma</i> case	1.00
11/14	Research related to Ninth Circuit appeal in <i>Arelma</i> case	1.75
11/20	Research for and drafting of appellate brief in <i>Arelma</i> case	5.75
11/21	Research for and drafting of appellate brief in <i>Arelma</i> case	9.00
11/22	Sending emails and materials to Bob Swift and Rod Domingo	1.25
11/24	Research re <i>Arelma</i> Ninth Circuit brief	2.50
11/25	Research for and drafting of appellate brief in <i>Arelma</i> case	6.75
11/26	Research for and drafting of appellate brief in <i>Arelma</i> case	7.00
11/27	Exchange of emails and telephone conferences with Bob Swift re appellate brief	0.50
11/28	Further revisions to <i>Arelma</i> brief	2.50

COSTS

6/26/00	Crown Plaza Hotel, Airport, Los Angeles	\$84.50
	Car Rental	45.00